

# Appendix 5

Supplemental Declaration of Jim Messina,  
Signal Interactive Media, LLC

*In re: Equifax Inc. Customer Data Security Breach Litigation,*  
No. 17-md-2800-TWT (N.D. Ga.)

Plaintiffs' Motion for Final Approval of Settlement

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

In re: Equifax, Inc. Customer  
Data Security Breach Litigation

MDL Docket No. 2800  
No. 1:17-md-2800-TWT

This document relates to:

CONSUMER CASES

**DECLARATION OF JIM MESSINA REGARDING  
IMPLEMENTATION OF COURT-ORDERED NOTICE PLAN**

1. The purpose of this declaration is to provide a report to the Court regarding administration of the Court-approved Notice Plan in this matter.

2. As of the Notice Date (September 20, 2019), the activities of the Notice Provider have been executed in accordance with:

- The Settlement Agreement and Release (Doc. # 739-2, including Exhibit 6, the Notice Plan)
- Declaration of Jim Messina (Doc. # 739-5)
- Order Directing Notice (Doc. # 742)

3. I attest that the Notice Plan was executed in a manner that is consistent with the guidelines issued by the Federal Judicial Center; the Manual for Complex Litigation (4th. Ed.), and the “Duke Standards” relating to the means, format, and contents of settlement notice. *See* Bloch Judicial Institute, Duke Law School, *Guidelines and Best Practices Implementing 2018 Amendments to Rule 23 Class Action Settlement Provisions* (August 2018).

4. As a practical matter, the Court-approved approach to Notice reflects contemporary best practices in the field of consumer outreach, notice, and advertising across contemporary digital and traditional media and constituted the best practicable notice under the circumstances.

5. Using contemporary best practices in media—the same approaches used in large-scale commercial and political advertising—the parties and Court have achieved extraordinarily high awareness and participation in this matter. Our overriding principle when crafting and executing this plan was to ensure that all messages are tested, re-tested, and refined and targeted effectively for maximum engagement and measurement.

#### **Foundation of Declaration**

6. As shared in my prior declaration, I am a co-founder of Signal Interactive Media, LLC (“Signal”), the Court-appointed Notice Provider in

connection with the proposed settlement in this case. I make this Declaration based upon my personal knowledge, information provided to me by my associates and staff in the ordinary course of business, and information reasonably relied upon by experts in the fields of advertising media and communications.

7. Signal has collaborated closely with JND, the Court-appointed Settlement Administrator to date in this matter. The scope of this declaration is limited to notice activities conducted by Signal and activities conducted in conjunction with JND, such as email notice, and we anticipate that JND will provide a corresponding declaration attesting to claims-related figures, processes, and metrics.

### **The Notice Date**

8. For context, in its Order Directing Notice (Doc. # 742) the Court established that the Notice Date was September 20, 2019, the Initial Claims Period deadline is January 22, 2020, and the Extended Claims Period deadline is January 22, 2024.

9. As described on the following pages, the notice activities that have been completed prior to the Notice Date were designed to meet and exceed all requirements of Rule 23 and Constitutional Due Process. And, in fact, the Notice Plan, as executed, met those requirements.

10. The robust claims rate achieved as of the Notice Date evinces that those requirements have been met by the Notice Date.

11. In order to supplement such notice efforts, Signal will continue to administer notice activities throughout the Initial and Extended Claims Periods in accordance with the Court-ordered Notice Plan.

**Notice Plan Activities Completed as of the Notice Date**

12. The Notice Plan encompassed (a) individual direct notice via email to all class members whose email addresses can be identified with reasonable effort, as well as follow up emails during the Initial and Extended Claims Periods; (b) a sophisticated digital notice campaign targeted to reach 90 percent of all class members before the Notice Date and with additional impressions during the remainder of the Initial Claims Period; (c) continuation of the digital campaign during the Extended Claims Period and thereafter for approximately three years, which among other things will target class members who search online for help remedying identity theft; and (d) radio advertising and a paid advertisement in a national newspaper to reach class members who are less likely to use email or the Internet.

### **Initial Testing Period**

13. In accordance with the Court's Order, Signal compiled a demographic profile of the settlement class based on survey data and the proprietary database of consumer information Signal maintains. This database, which contains consumer information on 201.6 million individuals, is derived from the same sources used by Equifax, such as credit card companies, banks, and real estate transactions.

14. From July 29<sup>th</sup> to August 1<sup>st</sup>, 2019, Signal convened ten focus groups comprised of a representative cross-section of the class across the country. Each group lasted approximately two hours, was professionally moderated, and consisted of approximately eight participants. These focus groups allowed Signal to understand potential class members' level of relevant knowledge, awareness, and interest; and which of the forms of notice approved by the Court are most effective. Focus group participants were asked questions about their awareness of the data breach. They were also shown the Court-approved email subject lines and digital advertisements to get a better sense of what they are most likely to respond to.

15. From July 30<sup>th</sup> to August 4<sup>th</sup>, 2019, Signal conducted a statistically significant survey of 1,600 class members that provides further information about

the potential class members. This survey supported an assessment of what media sources are most effective across various demographics to reach putative class members, and which subject lines are most effective in causing class members to open the emails. In addition, the survey allowed us to further test which ads worked and created ad scores for consumers by demographic. We applied these learnings to our digital campaigns.

16. From July 23<sup>rd</sup> to August 4<sup>th</sup>, 2019, Signal conducted early consumer testing of the Court-approved notice ads on social media platforms. Based on the empirical results of those tests, Signal effectively optimized the variables with the various forms and channels of notice. Specifically, buying options were adjusted to maximize the reach of the digital advertising campaigns across all audiences; specific ads were delivered to the demographic groups in which they performed best; and adjustments were made to prioritize ad delivery among people in certain age ranges most likely to engage.

17. In accordance with the Court's Order, Signal only tested and published the ads, email subject lines, and content of the emails that were attached as exhibits to the Notice Plan approved by the Court.

18. Throughout the Notice Program, Signal also tested the effectiveness of video ads, as per the scripts attached to the approved Notice Plan. Video ads were delivered on social media sites. Examples can be seen in Appendix 2.

### **Email Notice**

19. Pursuant to its Court-ordered Notice Plan, in conjunction with JND, at least four email notices are to be sent to the class.

20. In accordance with the Notice Plan, Signal tested different subject lines for each of the four proposed emails. The email subject lines that were most likely to encourage likely class members to learn more about the class action lawsuit made explicit reference to the Equifax data breach settlement and addressed the reader directly with reference to “your benefits” or language indicating “you may be eligible” for benefits. Subject lines with a list of available benefits, including cash and free credit monitoring, performed well. The results of that testing determined the subject lines that were used in the email sent to the class.

21. Signal provided the results of our research to JND for use in connection with the emails that it sent. I understand that JND will provide a separate declaration to the Court describing the email notice program, including manner in which the email notice was provided and the reach of and response to



those emails. I also understand that JND will describe the settlement website that it administered and its use by and impact on the class. And, I understand that JND will discuss the impressive number of claims that have been filed.

**Digital Notice as of the Notice Date**

22. In accordance with the approved Notice Plan, Signal administered extensive digital advertising, designed to reach 90 percent of the settlement class an average of 8 times before the Notice Date. This target was successfully achieved. Only ads that were approved by the Court (See Doc. # 739-2) were tested or published, and approved ads were translated into Spanish for delivery to Spanish-speaking audiences on Facebook and Twitter. Each of the ads linked to the settlement website, affording class members easy access to information about the settlement and the opportunity to submit claims online.

23. Signal administered digital advertising via social media (Facebook, Instagram, and Twitter), paid online search (Google, Bing, and Yahoo), and paid online display advertising (via Google Display Network). Examples of the ads as they appeared on the platforms are in Appendix 2.

24. Signal achieved 1.12 billion digital impressions on or before the Notice Date – 458 million impressions on Facebook and related platforms with a reach of 142 million people; 103 million impressions on Twitter with a reach of

10 million people; 624,000 paid search impressions; and 566 million impressions from display advertising with a reach of 139 million people. This surpassed our target of 892 million impressions. As per the Notice Plan, Signal iteratively determined the best targeting strategies and platforms and optimized digital advertising campaigns accordingly. As a result, the distribution of impressions among platforms differed slightly from stated targets in the Notice Plan, but exceeded the target goal by over 10%.

25. During the remainder of the Initial Claims Period, the target is to create an additional 332 million impressions – 133 million on Facebook and related platforms, 106 million impressions on Twitter, and 93 million impressions on display advertising. Accordingly, the targeted total impressions during the Initial Claims Period will exceed 1.4 billion. The placement of specific advertising and the platforms used during this period may be adjusted to optimize notice efforts and claims rates.

**Paid Publication Notice as of the Notice Date**

26. In accordance with the Notice Plan and Order of the Court, Signal placed a full-page advertisement in *USA Today* on September 6<sup>th</sup>, 2019. A sample of the print advertisement is attached as Appendix 1.

27. In accordance with the Notice Plan and Order of the Court, Signal executed a radio advertising campaign prior to the Notice Date. This radio program began on August 19<sup>th</sup> and concluded September 8<sup>th</sup>, 2019, achieving a national reach that included all 210 designated market areas. We specifically targeted those over 55 years old after learning from testing that we were having the most difficulty reaching them online. We had 194,797,100 impressions overall and 63,636,800 impressions for the target age group.

28. The radio program was professionally planned and executed and vetted by the FTC.

### **Conclusion**

29. The Notice Plan has effectively reached the settlement class; increased class members' awareness of the settlement, their options, and the benefits available to them; delivered the best notice practical under the circumstances; and thus satisfied due process and the requirements of Rule 23.

30. The digital portion of Notice Plan alone resulted in 1.12 billion impressions before the Notice Date, which exceeds the target, represents a 90 percent reach, and satisfies the Federal Judicial Center's guidelines providing that a reasonable notice program should reach between 70 and 90 percent of the class.

31. By taking advantage of modern techniques in commercial and political advertising as we have proposed and continuing to provide notice for a period of more than seven years, the Notice Plan clearly substantially improved upon the notice programs that are customarily used in major class actions settlements. It is my continued goal that this Notice Plan may set the standard for future class action settlements and, in so doing, contribute to improving the effectiveness of notice programs and increasing claims rates in other cases.

32. I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Signed on December 4, 2019 in New  
York, NY:

A handwritten signature in black ink, appearing to read "Jim Messina", with a stylized flourish at the end.

Jim Messina

# Appendix 1

USA Today

6B ■ FRIDAY, SEPTEMBER 6, 2019 ■ USA TODAY

MON

## COURT APPROVED LEGAL NOTICE

## If Your Personal Information Was Impacted in the 2017 Equifax Data Breach, You May Be Eligible for Benefits from a Class Action Settlement

*Un aviso de este acuerdo también está disponible en [www.EquifaxBreachSettlement.com/es](http://www.EquifaxBreachSettlement.com/es)*

In September of 2017, Equifax announced it experienced a data breach, which impacted the personal information of approximately 147 million people. Equifax has reached a proposed settlement to resolve class action lawsuits brought by consumers alleging Equifax failed to adequately protect their personal information. Equifax denies any wrongdoing, and no judgment or finding of wrongdoing has been made.

If your personal information was impacted in the Equifax data breach, you may be eligible for benefits from the settlement after it becomes final. Under the proposed settlement, Equifax will: (1) pay \$380.5 million into a fund to pay benefits to consumers, court-approved fees and costs of class counsel and service awards to the named class representatives, and other expenses; (2) implement and maintain certain data security enhancements; (3) if necessary, pay up to \$125 million more to reimburse consumers for out-of-pocket losses resulting from the data breach; and (4) provide certain other relief.

### ► Are You Eligible:

You are a class member and eligible for settlement benefits if you are a U.S. consumer whose personal information was impacted by the Equifax data breach. If you are unsure of whether you are a class member, visit [www.EquifaxBreachSettlement.com](http://www.EquifaxBreachSettlement.com) and click the "Find Out if Your Information Was Impacted" button or call 1-833-759-2982.

### ► Benefits:

If you are a class member, you are eligible for one or more of the following benefits:



1. **Free Credit Monitoring or Cash Payment.** You can get free credit monitoring services. Or, if you already have credit monitoring services, you can request a cash payment of up to \$125.
  - » The free credit monitoring includes at least four years of three-bureau credit monitoring, offered through Experian. You can also get up to six more years of free one-bureau credit monitoring through Equifax.
  - » If you already have credit monitoring services that will continue for at least 6 more months, you may be eligible for a cash payment of up to \$125. **The amount you receive may be substantially less than \$125, depending on the number of claims that are filed.**



2. **Other Cash Payments.** You may also be eligible for the following cash payments up to \$20,000 for:
  - » **the time you spent** remedying fraud, identity theft, or other misuse of your personal information caused by the data breach, or purchasing credit monitoring or freezing credit reports, up to 20 total hours at \$25 per hour.
  - » **out-of-pocket losses** resulting from the data breach.
  - » **up to 25% of the cost of Equifax credit or identity monitoring** products you paid for in the year before the data breach announcement.



3. **Free Identity Restoration Services:** You are eligible for at least 7 years of free assisted identity restoration services to help you remedy the effects of identity theft and fraud.

**Important Information Regarding the Proportional Reduction of Benefits.** If you request or have requested a cash benefit, the amount you receive may be significantly reduced depending on how many valid claims are ultimately submitted by other class members for this relief. Based on the number of potentially-valid claims that have been submitted to date, payments for time spent and alternative compensation of up to \$125 likely will be substantially lowered and will be distributed on a proportional basis if the settlement becomes final. Depending on the number of additional valid claims that are filed, the amount you receive for these benefits may be a small percentage of your initial claim.



► **How to Get Benefits:**

To get free credit monitoring or cash payments, or both, you must submit a claim:

- » Online at [www.EquifaxBreachSettlement.com](http://www.EquifaxBreachSettlement.com), or
- » By mail.

**You must submit a claim by January 22, 2020. Certain claims may require supporting documents. If you have already filed a claim, there is no need to do so again.**

If there is still money in the fund after payment of valid claims submitted during the initial claims period that ends on January 22, 2020, there will be an extended claims period lasting for four years. In the extended claims period, you may make certain claims for out-of-pocket losses incurred in the future, including time and money spent trying to address identity theft or fraud related to the data breach.

You don't need to file a claim to get **free identity restoration services**.

If you make a claim for cash compensation, the amount of money you receive may be significantly less than the claim you submit depending on the number and amount of claims that are submitted.

► **Understanding Your Options:**

If you want the Court to exclude you from the settlement class, you must write to the Settlement Administrator by November 19, 2019. List the name of this proceeding (*In re: Equifax Inc. Customer Data Security Breach Litigation*, Case No. 1:17-md-2800-TWT), your full name, your current address, and the words "Request for Exclusion" at the top of the document. You must sign this request and mail it to Equifax Data Breach Class Action Settlement Administrator, Attn: Exclusion, c/o JND Legal Administration, P.O. Box 91318, Seattle, WA 98111.

To object to the settlement, you must file an objection with the Court by November 19, 2019. For detailed instructions about the process of objecting, visit [www.EquifaxBreachSettlement.com](http://www.EquifaxBreachSettlement.com).

You must file a claim if you want to receive free credit monitoring or cash benefits under this settlement. If you do nothing, you won't receive a cash payment or credit monitoring services, won't be able to sue Equifax for the claims being resolved in the settlement, and will be legally bound by all orders of the Court.

The Court will hold a hearing on December 19, 2019, to consider any objections, and decide whether to approve the settlement, award attorneys' fees and expenses, and grant service awards to the named class representatives. You may enter an appearance through an attorney, but do not have to. The Court has appointed lawyers to represent you and the class, but you can hire another lawyer at your own expense.

**This is only a summary of the settlement.**

**None of these benefits will be distributed or available until the settlement is finally approved by the Court.**

**For more information, visit  
[www.EquifaxBreachSettlement.com](http://www.EquifaxBreachSettlement.com), or call (toll free) 1-833-759-2982.**

*This is a Court authorized notice, not a lawyer advertisement.*

# Appendix 2



## Search Ad Examples

Google:

Q

All

News

Videos

Images

Books

More

Settings

Tools

About 2,040,000 results (0.58 seconds)

Equifax 2017 Data Breach | Were You Impacted?

Ad

[www.equifaxbreachsettlement.com/](https://www.equifaxbreachsettlement.com/)

A proposed settlement has been reached in the **Equifax 2017 data breach** lawsuit. Act soon to determine if you are eligible for benefits.

Equifax Data Breach Settlement | Federal Trade Commission

[https://www.ftc.gov](https://www.ftc.gov/enforcement/cases-proceedings/refunds/equifax) › [enforcement](#) › [cases-proceedings](#) › [refunds](#) › [equifa...](#)

Sept 9, 2019 - In September of 2017, **Equifax** announced a **data breach** that exposed the personal information of 147 million people. The company has agreed to a global settlement with the Federal Trade Commission, the Consumer Financial Protection Bureau, and 50 U.S. states and territories.

[Equifax data breach: Pick free ...](#) · [Equifax Data Breach](#) · [Infographic: Equifax Data ...](#)

People also ask

Was I affected by the Equifax data breach?

When was the public notified of the Equifax data breach?

How do I get my settlement from Equifax data breach?

How many times has Equifax been breached?

Feedback

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Ad · www.equifaxbreachsettlement.com/

## Equifax 2017 Data Breach | Was Your Info Impacted? | Act Now To Claim Your Benefits

A proposed settlement has been reached in the Equifax 2017 data breach lawsuit. Act soon to determine if you are eligible for benefits.

### Equifax data breach

Category	Value
Affected	147 million
Impacted	147 million
Security Breaches	147 million
Exposed	99 million
At Risk	27 million
Licenses	20 million
Addresses	18 million
Card Numbers	209,000
ID's	97,500
Licenses	27,000

Bing:

### Equifax 2017 Data Breach - Were You Impacted?

<https://www.equifaxbreachsettlement.com>

(Ad) A proposed settlement has been reached in the Equifax 2017 data breach lawsuit. Act soon to determine if you are eligible for benefits.

Equifax data breach: **Exactly what to do to protect your credit.** Criminals can use your Social Security number to steal your identity. They can open bank accounts and credit cards or apply for a loan. Hackers can also get ahold of your tax refund or get medical treatment under your name.



Reference: [wgntv.com/2017/09/13/equifax-data-breach-exactly-what-to-do-to-protect-your-credit/](http://wgntv.com/2017/09/13/equifax-data-breach-exactly-what-to-do-to-protect-your-credit/)

Was this helpful?

### Equifax Data Breach Settlement | Federal Trade Commission

<https://www.ftc.gov/.../equifax-data-breach-settlement>

In September of 2017, Equifax announced a data breach that exposed the personal information of 147 million people. The company has agreed to a global settlement with the Federal Trade Commission, the Consumer Financial Protection Bureau, and 50 U.S. states and territories.

### News about Equifax Data Breach

[bing.com/news](http://bing.com/news)



#### In or out?: Millions of Arizonans affected by Equifax breach must decide now

WASHINGTON – As many as 3 million Arizonans whose personal data may have been exposed in a ...  
The Business Journals · 21h

Act now to if Equifax data breach affected your accounts



Ask Kip: Your Equifax data breach settlement options

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[take action](#)

[learn more](#)

### Equifax 2017 Data Breach - Were You Impacted?

<https://www.equifaxbreachsettlement.com>

(Ad) A proposed settlement has been reached in the Equifax 2017 data breach lawsuit. Act soon to determine if you are eligible for benefits.

*Yahoo:*

Ads related to: Equifax data breach

## Equifax 2017 Data Breach - Were You Impacted?

[www.equifaxbreachsettlement.com](http://www.equifaxbreachsettlement.com)

A proposed settlement has been reached in the **Equifax 2017 data breach** lawsuit. Act soon to determine if you are eligible for benefits.

### Equifax 2017 Data Breach - Was Your Info Impacted?

[www.equifaxbreachsettlement.com](http://www.equifaxbreachsettlement.com) Ad

The court-ordered deadline to submit a claim in the Equifax settlement is coming up. Act now to find out if you're eligible.

### Equifax settlement - We have it on our website

[faqtoids.com/Equifax settlement/Search no more](http://faqtoids.com/Equifax%20settlement/Search%20no%20more) Ad

Visited by 100K+ users in the past month

Search info on Downloadsearch.com. See yourself. Equifax settlement

[Better Results](#)

[Efficient Search](#)

[Find More](#)

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### Home | Equifax Data Breach Settlement

[www.equifaxbreachsettlement.com](http://www.equifaxbreachsettlement.com)

Exclude yourself from the settlement You can exclude yourself from the settlement by informing the Settlement





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CVS Generic Drug Overcharging Class Action May Be Transferred to R.I.

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By Anne Bucher  
March 14, 2016



Last week, a California federal judge indicated that she wouldn't dismiss a class action lawsuit that alleges CVS overcharges for generic drugs. However, she also suggested the case may not belong in California.

The CVS price-gouging class action lawsuit **was initially filed** on July 30, 2015 by plaintiff Christopher Caravan and a

Find out if you're eligible to submit your claim.  
[www.EquifaxBreachSettlement.com](http://www.EquifaxBreachSettlement.com)



**EQUIFAX**  
PROPOSED CLASS  
ACTION SETTLEMENT  
Find out if you're a class member.

nytimes.com

and David F. Corrigan of Toms River, N.J.  
The bride's father is a lawyer in private practice in Keyport, N.J. Her mother retired as a teacher at Joseph A. Citta Elementary in Toms River.

The groom, 29, is the senior brand manager, in Richmond, Va., for [IQOS](#), a tobacco device made by Phillip Morris International. He graduated from the University of Virginia.

ADVERTISEMENT

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[www.EquifaxBreachSettlement.com](http://www.EquifaxBreachSettlement.com)



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Find out if you're a class member.



Facebook Ad Examples



**Equifax Data Breach Settlement**  
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Was your personal information impacted in the 2017 Equifax data breach? Find out if you're eligible for financial compensation and other benefits under a proposed class action settlement.

Cash payments.

Free credit monitoring.

Identity restoration services.



EQUIFAXBREACHSETTLEMENT.COM

**2017 Equifax Data Breach Class Action**

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Linda Sue Ercius  
Happy 95th. to u (next month)...





**Equifax Data Breach Settlement**  
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Was your info impacted in the 2017 Equifax data breach? Learn what you're entitled to under the proposed class action settlement.



Compensation,  
Credit Monitoring,  
& Identity Protection

EQUIFAXBREACHSETTLEMENT.COM

**Proposed Class Action Settlement**

[Learn More](#)

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4 hrs · 

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## Video Ad Examples

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Cash reimbursement for out-of-pocket losses and your time

Free credit monitoring and identity theft protection

Identity restoration services


EQUIFAXBREACHSETTLEMENT.COM  
**2017 Equifax Data Breach**

Learn More



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Soft, flattering, and has pockets? You know it.

Instagram Ad Examples

